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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,819	09/15/2000	Katsuaki Tajima	48864-032	2961

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McDermott Will & Emery
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Washington, DC 20005-3096

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,819

Applicant(s)

TAJIMA ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I (claims 109, 18-20) in the reply filed on October 20, 2004 is acknowledged.
2. Claims 10-17 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group II, there has being no allowable generic or linking claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-7, 9, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zingher et al (US Patent No. 5,930,468).

Concerning claim 1, Zingher et al discloses an image processing apparatus (DV in Fig.1 or Fig.5) for receiving a job including image data and for processing the image data of the received job so as to give the job to an output device, the image processing apparatus comprising an image processor (I/O) for performing a process defined by a parameter on the image data of the received job; a decision portion (EPROM) for deciding a state of the image data of the received job; and a controller (microprocessor) for setting a parameter for the received job in accordance with the state that is decided by the decision portion or setting the parameter that was

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used in the last job despite the state that is decided by the decision portion based on a predefined period of time.

Zingher et al does not directly teach that the controller sets a parameter in accordance with the state that is decided by the decision portion or sets the parameter that was used in the last job by comparing an interval between the received job and the last job with a predetermined time. However, Zingher et al teaches a sequence of printing jobs wherein the controller compares the contents of the images according to a program stored in the EPROM to decide to change the printing form or not. If the contents of the images are different, the printing form of a previous printing job has to be changed to a new printing form for the next printing job, if the contents of the images of the printing jobs are the same, there is no need to change the printing form (Fig.4). In case of changing the printing form, the apparatus set a predetermined time needed to change the printing form of a previous printing job to a new printing form for the next printing job after the previous printing job is completed. Thus by comparing an interval between the next printing job and the completed previous printing job with the predetermined time, the microprocessor can set the parameter for the next printing job to a new printing form or to the parameter of the previous printing job. If the interval is longer than the predetermined time, the microprocessor set the parameter for a new printing form according to the decision portion, in the other way, if the interval is shorter than the predetermined time, the microprocessor uses the same parameters set in the printing form of the previous printing job since there is no change in the image contents of the printing jobs. It would have been obvious to one skilled in the art at the time the invention was made to add the comparison between the interval between the previous printing job and the next printing job with the predetermined time for changing a

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printing form from the previous printing job to a new printing form for the next printing job in Zingher et al so that the microprocessor in the apparatus in Zingher et al can use the same printing form or change to a new printing form based on the comparison since Zingher et al teaches the comparison of the image contents of the printing jobs (col. 3, lines 8-23) setting of different times such as execution times of the printing jobs, setting time needed to change from one print job to the next print job, setting time needed to change from one printing form of one printing job to a new printing form of another printing job when the image contents are different, time to change the ink profile, readjustment times (Abstract; col. 3, lines 1-7, lines 66-67; col. 4, lines 9-11; col. 8, lines 56-64; col. 10, lines 17-20, lines 33-34; col. 11, lines 14-15).

Concerning claims 2-7, 9, Zingher et al further teaches that the decision portion decides whether the image data of the received job are data within a predetermined color range (single color, two-color, three-color or multicolor print jobs; ink distribution), (col. 3, lines 8-23; col. 4, lines 52-53; col. 8, lines 29-33, lines 56-64), (claim 2); the image processor perform a color compression of if at least one page (one region or a part of the image) is out of the predetermined color range (ink-accepting regions and non-ink-accepting regions), (col. 6, lines 1-52; col. 8, lines 56-64), (claims 3-5); a memory (RAM) for memorizing a parameter set by the controller along with the control information and a user interface (I/O) for selecting operation of the parameter, (claim 6); the controller sets a specific parameter to the image processor when a predetermined time passes after the end of the job (predetermined time set for changing a printing form of the previous printing job to a new printing form of the next printing job) wherein the predetermined time is variable (depending on the time needed to change from one printing form to another one based on the differences of the image contents of the printing jobs),

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(col. 3, lines 8-28; col. 3, line 66 – col. 4, line 17; col. 5, lines 27-41; col. 8, lines 53-64), (claims 7, 9).

Claims 18-20 are method claims of apparatus claims 1-7, 9. Claims 18-20 are rejected for the same rationales set forth for claims 1-7, 9 above.

Allowable Subject Matter

5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an Examiner's Statement of Reasons for Allowance: Claim 8 is allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches the apparatus claimed in claims 6, 7 wherein the specific parameter is a parameter that has the largest set frequency among the parameters memorized in the memory.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

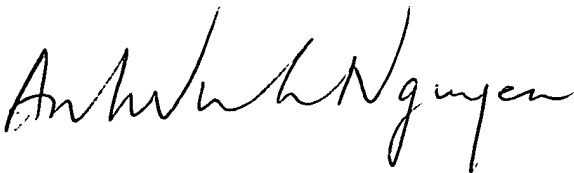
a. Kim (US Patent No. 6,373,586) teaches an image printing system which can print in a whole printing or partitioned printing mode.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read 'Madeleine AV Nguyen'.

Madeleine AV Nguyen
Primary Examiner
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February 28, 2005